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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,980	04/03/2000	Shinichi Takemura	7217/61228	4676

7590

05/13/2004

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 05/13/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/541,980

Applicant(s)

TAKEMURA, SHINICHI

Examiner

Adnan M Mirza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruane et al (U.S. 6,182,135) and Imai et al (U.S. 5,802,298).

As per claims 1,10 Ruane disclosed a network system connects with plurality of process portions that can mutually send and receive a message specified with no destination and a message with no specified destination and a message specifying a specific process portion and that can change states to either of first and second states (col. 5, lines 29-34), so as to form a first-state process portion and a second- state process portion, respectively, wherein the network system comprises: a first-state process portion that stores a second-state process portion storing the first-state process portion (col. 6, lines 28-50), respectively,

However Ruane did not disclose in details wherein the network system comprises: a first-state process portion that stores the second-state process portion storing the first-state process portion; and a second-state process portion that stores the only one first-state process portion, and wherein there is only one process portion in the first state.

In the same field of endeavor Imai disclosed the first process sends a message that requests a service to the second process, the identifier adding portions adds identification information to the request message added the identification information to the second process as relay message. The relay portion relays the request message received from the first process to the second process (col. 4, lines 15-27).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made incorporated wherein the network system having: a first-state process portion that stores the second-state process portion storing the first-state process portion; and a second-state process portion that stores the only one first-state process portion, and wherein there is one process portion in the first state as taught by Imai in the method of Ruane to make it make it fault tolerant and reduce latency by making it efficient the negotiation of network capabilities between communicating end stations, also network mapping capabilities.

3. As per claims 2,12 Ruane-Imai disclosed a network system according to claim 1 wherein: multiple second-state process portions share information about each other, one of the multiple second-state process portions copies information about itself to the first-state process portion (Imai, col. 4, lines 34-42), and another of the multiple second-state process portions reads information about that second-state process portion from the first-state process portion (Imai, col. 4, lines 52-55).

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4. As per claims 3,13 Ruane-Imai disclosed wherein: information describing information for accessing process portions is copied to the first-state process portion for sharing the information describing information for accessing process portions among the other process portions (Imai, col. 5, lines 55-64).

5. As per claims 4,11,14,22 Ruane-Imai disclosed further comprising: means for allowing process portions to mutually send and receive the message with no specified destination and the message specifying a specific process portion in a group including the first-state process portion and a second-state process portion storing only the first-state process portion (Ruane, col. 5, lines 29-34), wherein the process portions in different groups can send and receive only the message specifying a specific process portion (Ruane, col. 2, lines 58-67).

6. As per claims 5,15,23 Ruane-Imai disclosed a network system according to claim 4 further comprising means for exchanging messages between the first-state process portion in one group and a first-state process portion in another group to determine only one first-state process common between the both groups (Imai, col. 4, lines 52-55)

7. As per claims 6,25 Ruane-Imai disclosed a wherein the process portion comprises error detection means to detect a communication error (Ruane, col. 2, lines 58-67).

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8. As per claims 7,16,26,29 Ruane-Imai disclosed a wherein the first-state process portion removes a second-state process portion from storage when the first-state process portion detects a communication error with the second-state process portion (Imai, col. 7, lines 13-25).

9. As per claims 8,17,27 Ruane-Imai disclosed a wherein the second-state process portion changes its state to the first state when the second-state process portion detects a communication error with the first-state process portion (Imai, col. 7, lines 13-25).

10. As per claims 9,18,28 Ruane-Imai disclosed wherein at least one of the process portions has time lapse detection means for detecting an elapsed time (Ruane, col. 6, lines 3-9).

11. As per claim 19 Ruane-Imai disclosed a signal sender/receiver comprising: message generation means to generate a message specified with specifying a specific destination and a message specified with no specified destination; message analysis means to receive a transmitted message and analyze its contents (Imai, col. 7, lines 1-11); state control means to change the signal sender/receiver to a first or second state depending on whether another networked apparatus is available and is in the first or second state (Ruane, col. 5, lines 29-34); and storage means to store information about the signal sender/receiver and other apparatuses of the network, wherein the signal sender/receiver changes to the second state and stores only the other first-state apparatus storing information about the signal sender/receiver when the other first-state apparatus is connected to the network (Imai, col. 7, lines 13-25), and wherein the signal

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sender/receiver stores information about another second state apparatus when the second-state apparatus is connected to the network (Ruane, col. 4, lines 54-67).

12. As per claim 20 Ruane-Imai disclosed the signal sender/receiver copies information about itself to the only other first state apparatus storing information about the signal sender/receiver and reads information about another second-state apparatus stored in the other first-state apparatus when the other first-state apparatus is connected to the network (Ruane, col. 5, lines 29-34).

13. As per claim 21 Ruane-Imai disclosed wherein the signal sender/receiver copies information describing information for accessing other networked apparatuses to the other first-state apparatus and reads the information describing information accessing stored in the first-state apparatus as required (Imai, col. 7, lines 13-25).

14. As per claim 24 Ruane-Imai disclosed wherein the signal sender/receiver, when in the second state, transfers a message from a first-state apparatus in another group to the first-state apparatus in a group to which the signal sender/receiver belongs (Ruane, col. 5, lines 48-61).

Applicant's arguments are as follows:

15. Applicant argued that prior art did not disclose about changing the states upon the response.

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As to applicant's argument Ruane et al disclosed once a response is received from the "initiate direct link determination request", one of the nodes executes a first process which includes the monitoring the link which includes the monitoring the link for received packets and for link beat indicators, and the other of the nodes executes a second process of dropping the link beat indicator (col. 6, lines 27-32). If the monitoring device detects a dropped link beat indicator as indicated at block, then a direct link has been detected. Success is then reported to the connected device (col. 6, lines 37-41).

16. Applicant argued that prior art did not disclose a network system in which a first-state process or suggest a network system in which a first-state process portion stores a second-state process portion that stores the first-state process portion also. Also, the second-state process portion stores only the first-state process portion, and in such a system there is only one first-state process portion.

As to applicant's argument Imai disclosed when the first process sends a message that requests a service to the second process, the identifier adding portion adds identification information to the request message added the identification information to the second process as relay message. The relaying portion relays the request message received from the first process to the second process. The relation between the identification information of the request message and identification information of the relay message is stored in second storing portion (col. 4, lines 16-24)

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

19. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

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20. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

“PROPOSED” or “DRAFT”);

(703)-746-7239 (For Official Communications Intended for entry, please mark “EXPEDITED PROCEDURE”),

(703)-746-7238 (For After Final Communications).

21. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER